



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,088	03/22/2000	Miral Kim-E	03284-P0001B	8149

7590 01/23/2004

Wesley W Whitmyer Jr  
St Onge Steward Johnston & Reens LLC  
986 Bedford Street  
Stamford, CT 06905-5619

EXAMINER
----------

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/533088

Applicant(s)

NIRD

Examiner

Alans, g

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/17/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 3624

**DETAILED ACTION**

***Response to Appeal Brief***

1. This action is issued in reply to applicant's Appeal Brief(Paper #8) filed 11/17/03.
2. Prosecution is reopened.
3. Claims 1-58 are pending.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-58 are rejected under 35 USC 103(a) as unpatentable over Maggioncalda(US Pat. No: 6,012,044) in view of Horowitz(US Pat. No: 6,349,290) and further in view of Basch(US Pat. No: 6,658,393).
6. As per claims 1-58 Maggioncalda teaches customer risk assessment for financial analysis(Abstract)( Fig 1-14b)(col 2 line 35-col 3 line 64) as well as a financial staging server and an advice server(Fig 1/110/120) and utilizing displays and communications channels(Fig 2) and including a pricing module, a factor module and a style analysis module and a portfolio optimization module(Fig 3/310/320/330/350).Maggioncalda also teaches developing a list of investments to enable a client to reach specified financial goals(Fig 4/430) as well as studying

Art Unit: 3624

volatility and risk(Fig 5a) by product type and a user's risk tolerance scale(Fig 6) and analyzing the likelihood of achieving a goal for a user(Fig 8) as well as the risks associated with loss(Fig 10) and determining a combination of assets that maximizes the investor's utility(Fig 11/1110) and determining the optimal allocation among financial products(Fig 13/1350/1340).

Maggioncalda teaches an interface to provide a list of investments appropriate for the specified risk tolerance of an investor(Fig 4/74/430) and a display of recommended financial product portfolios(Fig 11)(col 2 lines 8-32).In addition to that taught by Maggioncalda, Horowitz also teaches an automated system for both interactive and proactive customized and personalized advice for a customer by a financial institution(Abstract)(Figs 1-37)(col 1 line 65-col 5 line 48) as well as determining customer's intent and holding sessions(Fig 3) and the bank's intent(Fig 4) and setting forth tasks(Fig 5) and performing personalization and customization(Fig 6).Horowitz also teaches real time and historical aspects of customer's and bank's intentions(Fig 7/44) as well as an advice engine(Fig 9/88) and a presentation engine(Fig 10) and provision of fulfillment statuses(Fig 11)(Fig 12).Horowitz also teaches customer profile data(Fig 14), residence data(Fig 15), financial link data(Fig 16)(Fig 17) and communication link data(Fig 18) and a behavior database(Fig 20) and a products and services database(Fig 21) as well as the customer participating as a member of an advisory community(Figs 22-37). Horowitz teaches defining a customer profile(Fig 10/94) as well as the customer's modus operandi(Fig 10/100) as well as providing appropriate advice on a trade(Fig 10/118) and has an appropriate customer products and services database for the customer's profile(Fig 13/96) as well as financial behavior of the

Art Unit: 3624

customer in a database(Fig 13/100).Horowitz further teaches the customer reviewing his accounts(Fig 33/S131) and sending an e-mail query to a knowledge center advocate(Fig 33) as well as appropriate promotions being made to the customer(Fig 34) which may include financial investments for the customer. The system automatically selects the cross section of the customer population that might be appropriate(Fig 34/S141/S142) and communication between the customer and the advocate with respect to the customer's account(Fig 37)(col 43 line 60-col 44 line 16). In addition to that taught by Horowitz, Basch also teaches a method for predicting financial risk(Abstract)(Fig 1/100)(col 3 line 53-col 4 line 15)(col 4 line 60-col 5 line 63) incorporating utilizing data on an account holder's account incorporating transaction information(Abstract) and generating a predictive model based on this data(Abstract). Basch also teaches generation of a risk score(Fig 2/202/204/206/208) by applying the predictive model(Fig 6) utilizing scoring logic(Fig 7) to the data associated with the current transaction authorization request(Abstract) which must meet a threshold criterion.Basch further teaches logical modules for thefinancial risk prediction system(Fig 2) as well as a neural networkmethodology utilized for deriving account-level scores(Fig 8). It would have been obvious to one skilled in the art at the time of the invention to combine Maggioncalda in view of Horowitz and further in view of Basch to teach the disclosure. The motivation to combine Maggioncalda in view of Horowitz is to teach a customized and personalized product and service automated system that enables a financial institution to attract and retain new customers as enunciated by Horowitz(col 1 line 65-col 2 line 4).Further, the motivation to combine

Art Unit: 3624

Maggioncalda in view of Horowitz and further in view of Basch to teach the disclosure is to teach a financial trading system which incorporates improved financial risk prediction systems which minimize financial losses to account holders(customers) as enunciated by Basch(col 3 lines 35-39).

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-58 are further rejected under 35 USC 112(2nd) for failing to point out with sufficient clarity and distinctly claim what applicant regards is the invention with respect to prior art. Discussion of the thresholding mechanisms involved and the mathematical relationships between the customer risk rating and trade risk must be addressed(appl response page 7) including defining equations, assumptions, constraints, boundary conditions as appropriate and mathematical relationships in sufficient detail to ascertain creditable weight.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-58 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3624

***Conclusion***

**10. THIS ACTION IS MADE NON-FINAL.**

\*\*\*\*\*


The following reference is made of record and not relied upon but is considered pertinent to applicant's disclosure:

Gopinathan(US Pat. No: 6,330,546) teaches risk determination using predictive modelling and transaction profiles for transacting entities

\*\*\*\*\*

11. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

  
January 19, 2004

**DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER**